

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

NATIONWIDE INSURANCE)	
COMPANY OF AMERICA,)	
)	C.A. No. 3:14-cv-3466-CMC
Plaintiff,)	
)	OPINION AND ORDER
vs.)	ON MOTION FOR
)	ENTRY OF JUDGMENT
CALVESTER BROWN and)	
CHRISTOPHER BROWN,)	
)	
Defendants.)	
)	

Through this action, Nationwide Insurance Company of America (“Plaintiff”), seeks a declaratory judgment that it owes no obligation to Calvester Brown and Christopher Brown (“Defendants”), under an insurance policy issued to Nichelle Marion (“Marion”), Policy No. 6139C 842547 (“Policy”), for claims arising out of an accident that occurred on January 8, 2014 (“Accident”). The matter is before the court on Plaintiff’s motion for entry of default judgment. ECF No. 17. This motion is granted for the reasons set forth below.

Both Defendants are in default. *See* ECF No. 15 (Clerk of Court’s entry of default entered January 22, 2015). By virtue of their default, Defendants have admitted all factual allegations of the complaint including but not limited to the following: (1) the rental vehicle involved in the Accident, a Chevrolet Impala, was rented by Marion but was not rented as a temporary replacement for a listed vehicle due to the listed vehicle’s breakdown, repair, servicing, or loss; (2) at the time of the accident, Defendant Christopher Brown was driving the rented Chevrolet Impala without permission either of the rental company or Marion; and (3) Defendants were not relatives of the policy holder, Marion. Defendants have also failed to contest that each of these facts provides an

independent basis for precluding coverage under the Policy of any claims by or against Defendants arising out of the Accident. For these reasons and as more fully explained in Plaintiff's memorandum in support of entry of default judgment (ECF No. 17-1), the court grants the relief requested in the complaint.

The court, therefore, declares that Defendants are entitled to no coverage and no duty of defense under Plaintiff's Policy No. 6139C 842547 for any claim arising out of the January 8, 2014 Accident.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
Senior United States District Judge

Columbia, South Carolina
March 4, 2015